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09/657,357	09/07/2000	Kenneth P. Weiss	W0537/7005	1625

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EXAMINER	
FLANDERS, ANDREW C	

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/657,357	WEISS, KENNETH P.	
	Examiner	Art Unit	
	Andrew C. Flanders	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,23 and 26-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-18,23 and 26-35* is/are rejected.

7)☒ Claim(s) *5* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 July 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1, 23, 26 and 28 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Applicant's arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment. Furthermore Applicant alleges, "Applicant does not agree that the combination of Maeda and Whitby suggested in the Office Action is proper." Examiner respectfully disagrees. Further, Applicant has provided neither an argument nor any evidence as to why this combination is improper. Merely stating that Applicant does not agree that the combination is proper is not sufficient to show an improper combination. If this allegation is to be held, Examiner respectfully requests Applicant provide evidence or reasoning as to why Applicant is making such a statement.

Applicant's arguments with respect to claims 6 and 7 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment. Furthermore Applicant alleges, "Applicant does not agree that the combination of Whitby and Oftedahl suggested in the Office Action is proper." Examiner respectfully disagrees. Further, Applicant has provided neither an argument nor any evidence as to why this combination is improper. Merely stating that Applicant does not agree that the

combination is proper is not sufficient to show an improper combination. If this allegation is to be held, Examiner respectfully requests Applicant provide evidence or reasoning as to why Applicant is making such a statement.

Applicant's arguments regarding Claims 15 - 17 have been fully considered but they are not persuasive.

Applicant alleges: "Applicant does not agree that the suggested combination of Whitby and Terui is proper, specifically in view of the fact that Whitby is directed to a radio transceiver whereas Terui is directed to a voice recorder, such as a Dictaphone."

Examiner respectfully disagrees. Both Terui and Whitby disclose a device for storing a received audio signal (Terui received via a microphone and Whitby received via a broadcast) and controlling the playback. The teachings taken from the Terui reference control the way the audio is played back. Being that both devices play back stored digital audio in very similar ways, it would be reasonable to expect the teachings of Terui could be applied to Whitby's device to further control playback as stated in the previous action.

Applicant further alleges: "However, even taken in combination, Whitby and Terui fail to disclose or suggest all the limitations recited in Applicant's claims. In particular, Applicant's claim 1, as amended, recites in relevant part "the audio reproduced by said device being selectively delayed from incoming audio inputs by a time dependent on where in said RAM said control begins the applying of audio inputs to said device"

Examiner respectfully disagrees. As shown in the previous rejection, the Whitby reference does teach "the audio reproduced by said device being selectively delayed from incoming audio inputs by a time dependent on where in said RAM said control begins the applying of audio inputs to said device", i.e. and the received signal that is stored in memory in a digitized form is withdrawn from the memory after a period of delay, converted back to an analog signal and passed to the audio output, this gives reproduction of the transmitted program with a time shift; as shown on page 10 lines 14 – 19.

Applicant further alleges:

and "wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said is read out to apply audio inputs to said device, said being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM." As discussed above, Whitby does not disclose or suggest this latter limitation. Terui does disclose that audio stored on the voice recording apparatus may be "fast forwarded" or "rewound," but does not disclose or suggest that audio can be received at one rate, stored as it is received and played out at a rate different to the rate at which it is being received, without disrupting the reception, as is specified by Applicant's claim. Thus, even if the asserted combination is proper, which Applicant does not agree to, Terui does not cure the deficiencies of Whitby and the proposed combination does not render Applicant's claims unpatentable."

Examiner respectfully disagrees; this argument is moot based upon the newly applied reference Hamamoto necessitated by amendment.

Applicant's arguments regarding Claim 18 have been fully considered but they are not persuasive.

Applicant requests a reference to support the official notice taken by the examiner that slowing down playback is a well known feature in the art, as stated in the claim language of "said RAM being read out to apply inputs to said device at a slower rate than audio inputs are received to be stored in said RAM at any time RAM is not storing at least said selected duration of audio inputs"

Examiner points to the Hamamoto reference, in particular to col. 25 lines 9 – 45 as an example of this in the prior art. As such the Official Notice is proper and the rejection stands.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 3, 8 – 14, 23, and 26 - 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitby (UK Patent Application 2 258 201 A) in view of Hamamoto (U.S. Patent 6,282,611).

Regarding **Claims 1 and 23**, Whitby discloses:

A repeat circuit for use with an audio receive and reproduce device (abstract) including:

a RAM connected to normally receive an store audio inputs applied to said device (i.e. memory that receives an input from an incoming radio broadcast; fig. 2 element 32);

a manually operable input component (i.e. user operable means to allow the user to output a program as desired; page 3 lines 4 – 13);

a control operable in response to a selected input from said component for inhibiting application of incoming audio inputs to said device (i.e. a time shifted mode of operation in which the direct audio output is disabled; page 10 lines 13 – 14)

and for instead applying audio inputs stored in said RAM as audio inputs to said device (i.e. instead the received signal stored in memory is played back; page 10 lines 14 – 17),

the audio reproduced by said device being selectively delayed from incoming audio inputs by a time dependent on where in said RAM said control begins the applying of audio inputs to said device (i.e. and the received signal that is stored in memory in a digitized form is withdrawn from the memory after a period of delay,

converted back to an analog signal and passed to the audio output, this gives reproduction of the transmitted program with a time shift; page 10 lines 14 – 19).

Whitby fails to disclose wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said RAM is read out to apply audio inputs to said device said being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM.

Hamamoto discloses reading a digital audio signal from a memory and a fast/slow playback circuit that controls the rate the digital audio data is read out of the memory based upon a control signal for a first and second mode, thereby speeding or slowing down playback; col. 25 lines 9 – 45. Applying this circuit and teaching to the playback device disclosed by Whitby would allow a user to control the speed of playback via the reading of the memory at different rates and thus would read upon the limitation of wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said RAM is read out to apply audio inputs to said device said being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hamamoto's fast/slow playback circuit teachings to Whitby's playback device in order to slow down and speed up playback of recorded signals. One would have been motivated to do so in order to quickly navigate through content they do not wish to hear or slow down content which is hard to understand or is important.

Regarding **Claim 2**, in addition to the elements stated above regarding claim 1, Whitby further discloses the user can jump backwards during the reproduction to adjust the time shift (page 11 lines 20 – 25) (i.e. wherein the location in said RAM at which the applying of audio inputs begins, and thus the delay between incoming audio inputs and reproductions is controllable, in response to selective operation of said component).

Regarding **Claim 3**, in addition to the elements stated above regarding claim 2, Whitby further discloses a user can give a pause command which causes the device to cease reproducing the program in real time and instead stores the signal in memory until the user gives a continue command and after this it reproduces the program with a time shift corresponding to the interval between the pause and continue commands (page 11 lines 8 – 15) (i.e. wherein said delay is a function of at least one of the number of times said component is operated and the time said component is operated).

Regarding **Claim 8**, in addition to the elements stated above regarding claim 1, Whitby discloses that if the memory has sufficient capacity to store 15 minutes and recording continues past that, the data would be overwritten (page 10 lines 24 – 25 and page 11 lines 1 – 4) (i.e. wherein said RAM is a wrap-around memory, the oldest audio input therein being written over when a new audio input is received and said RAM is full) and if a user wants to record a particularly program the user may set it to not be recorded over by the next program (page 13 lines 10 – 17) (i.e. and wherein said control inhibits writing over audio inputs in said RAM in response to a selected input

component, the circuit being in storage mode when this occurs) and the audio signal from the tuner section can pass directly to the audio output (page 7 lines 17 – 18) (i.e. and wherein said control causes incoming audio inputs to be applied to said device when the circuit is in storage mode).

Regarding **Claim 9**, in addition to the elements stated above regarding claim 8, Whitby further discloses user operable means to allow the user to output a program as desired (page 3 lines 4 – 13), instead the received signal stored in memory is played back (page 10 lines 14 – 17) (i.e. wherein said control is operative when the circuit is in storage mode to cause at least selected portions of audio inputs stored in said RAM to be reproduced on said device in response to a selected input from said input component.

Regarding **Claim 10**, in addition to the elements stated above regarding claim 9, Whitby further discloses user operable means to define at lest one program to be stored or retained in memory (page 3 lines 4 – 8) (i.e. wherein said selected input is said input component being manually operated for a selected time interval).

Regarding **Claim 11**, in addition to the elements stated above regarding claim 1, Whitby further discloses a user can command the microprocessor to tune to a desired station (page 5 lines 14 – 15) and the audio signal passes directly to the output and to the memory in digital form (page 7 lines 18 – 23). It is inherent that as the user changes

the station the system will begin recording as normal. This maintains the purpose of the invention given on page 11 lines 24 – 25 in which a user can playback something just heard (i.e. wherein said device is a radio, and wherein said circuit is returned from replay mode to a normal mode with incoming audio inputs applied to said device when there is a station change on said radio).

Regarding **Claim 12**, in addition to the elements stated above regarding claim 1, Whitby discloses user operable means to give instructions to the microprocessor (page 3 lines 4 – 5) and the microprocessor is arrange to be operable to store a digitized audio signal (page 2 lines 22 – 23) (i.e. wherein said control processes audio inputs applied to said RAM).

Regarding **Claim 13**, in addition to the elements stated above regarding claim 1, Whitby further discloses the sampling frequency could be 22 kHz, sampling on a scale defined by 8 data bits, but other sampling frequencies and scales of definition are within the scope of the invention (page 8 lines 8 – 12) and that the rate is adjustable as desired (page 21 lines 18 – 25) (i.e. wherein said component is operable to indicate a desired rate at which audio inputs are to be reproduced to said device)

Regarding **Claim 14**, in addition to the elements stated above regarding claim 13, Whitby further discloses the user can alter the quality of digitization as desired (page

21 lines 18 – 25) (i.e. wherein said component is operable in at least two different ways, said component being operated in a selected way to indicate a desired rate).

Regarding **Claim 26**, Whitby discloses:

A repeat circuit for use with an audio receive and reproduce device (abstract) including:

a RAM connected to normally receive and store audio inputs applied to said device, said RAM being a wrap-around memory, the oldest audio input therein being written over when a new audio input is received and said RAM is full (i.e. that if the memory has sufficient capacity to store 15 minutes and recording continues past that, the data would be overwritten; page 10 lines 24 – 25 and page 11 lines 1 – 4),

a manually operable input component (i.e. a user input; fig. 2 element 26).,

a control operable in response to a selected input from said component for inhibiting application of incoming audio inputs to said device (i.e. user operable means to allow the user to output a program as desired; page 3 lines 4 – 13; and a time shifted mode of operation in which the direct audio output is disabled; page 10 lines 13 – 14)

and for instead applying audio inputs stored in said RAM as audio inputs to said device (i.e. instead the received signal stored in memory is played back; page 10 lines 14 – 17)

and if a user wants to record a particularly program the user may set it to not be recorded over by the next program (page 13 lines 10 – 17) (i.e. and said control also operable to inhibit writing over audio inputs in said RAM in response to a selected input

from said input component and to cause said incoming audio inputs to be applied to said device when the circuit is in this mode).

Whitby fails to disclose wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said RAM is read out to apply audio inputs to said device said being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM.

Hamamoto discloses reading a digital audio signal from a memory and a fast/slow playback circuit that controls the rate the digital audio data is read out of the memory based upon a control signal for a first and second mode, thereby speeding or slowing down playback; col. 25 lines 9 – 45. Applying this circuit and teaching to the playback device disclosed by Whitby would allow a user to control the speed of playback via the reading of the memory at different rates and thus would read upon the limitation of wherein said control is operable in response to a rate indication from said input component for controlling the rate at which said RAM is read out to apply audio inputs to said device said being read out to apply inputs to said device at a different rate than audio inputs are received to be stored in said RAM.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hamamoto's fast/slow playback circuit teachings to Whitby's playback device in order to slow down and speed up playback of recorded signals. One would have been motivated to do so in order to quickly navigate through content they do not wish to hear or slow down content which is hard to understand or is important.

Regarding **Claim 27**, in addition to the elements stated above regarding claim 26, Whitby further discloses programs can be reproduced through the audio output by pressing a button (page 20 lines 7 – 12) (i.e. wherein said control is operative when the circuit is in storage mode to cause at least selected portions of audio inputs stored in said device in response to a selected input from said input component).

Regarding **Claim 28**, Whitby discloses:

A repeat circuit for use with an audio receive and reproduce device (abstract) including:

a RAM connected to normally receive and store audio inputs applied to said device (i.e. a memory that receives an input from an incoming radio broadcast; fig. 2 element 32);

a manually operable input component (i.e. a user input; fig. 2 element 26);

a control operable in response to a selected input from said component for inhibiting application of incoming audio inputs to said device (i.e. user operable means to allow the user to output a program as desired; page 3 lines 4 – 13; and a time shifted mode of operation in which the direct audio output is disabled; page 10 lines 13 – 14)

and for instead applying audio inputs stored in said RAM as audio inputs to said device (i.e. instead the received signal stored in memory is played back; page 10 lines 14 – 17).

Whitby does not explicitly disclose said manually operable input component being operable to indicate a desired rate at which audio inputs are to be reproduced to said device;

said control being operable in response to a rate indication from said component for controlling the rate at which said RAM is read out to apply audio inputs to said device; and

wherein the rate at which said RAM is read out is different than an input rate at which said audio inputs are received to be stored.

Hamamoto discloses reading a digital audio signal from a memory and a fast/slow playback circuit that controls the rate the digital audio data is read out of the memory based upon a control signal for a first and second mode, thereby speeding or slowing down playback; col. 25 lines 9 – 45. Applying this circuit and teaching to the playback device disclosed by Whitby would allow a user to control the speed of playback via the reading of the memory at different rates and thus would read upon the limitations of said manually operable input component being operable to indicate a desired rate at which audio inputs are to be reproduced to said device;

said control being operable in response to a rate indication from said component for controlling the rate at which said RAM is read out to apply audio inputs to said device; and

wherein the rate at which said RAM is read out is different than an input rate at which said audio inputs are received to be stored.

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Hamamoto's fast/slow playback circuit teachings to Whitby's playback device in order to slow down and speed up playback of recorded signals. One would have been motivated to do so in order to quickly navigate through content they do not wish to hear or slow down content which is hard to understand or is important.

Regarding **Claims 29, 33 and 34**, in addition to the elements stated above regarding claims 1, 23 and 28, the combination of Whitby in view of Hamamoto further discloses:

wherein the rate at which said RAM is read out is faster than the input rate at which said audio inputs are received to be stored in said RAM (i.e. when Hamamoto's fast playback is applied it will read out faster than inputs are received).

Regarding **Claims 30, 32 and 35**, in addition to the elements stated above regarding claims 1, 23 and 28, the combination of Whitby in view of Hamamoto further discloses:

wherein the rate at which said RAM is read out is slower than the input rate at which said audio inputs are received to be stored in said RAM (i.e. when Hamamoto's slow playback is applied it will read out faster than inputs are received).

Regarding **Claim 31**, in addition to the elements stated above regarding claim 23, the combination of Whitby in view of Hamamoto further discloses:

A step of indicated a desired rate of playback of said audio inputs from RAM (i.e. Hamamoto discloses the modes are selected designed mode set by a mode signal).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitby (U.K. Patent Application 2 258 102 A) in view of Hamamoto (U.S. Patent 6,282,611) in further view of Maeda (JP409083973A).

Regarding **Claim 4**, in addition to the elements stated above regarding claim 2, the combination further discloses:

Whitby discloses a mode in which the stored digitized program is withdrawn, converted to an analog signal and passed to the audio output (page 10 lines 13 – 20) (i.e. wherein when said device is receiving inputs from said RAM, the circuit is in replay mode), an alpha-numeric display device (fig. 2 element 28) (i.e. an output element) and the display showing the transmission (page 7 lines 1 – 7) (i.e. providing a selected indication that said circuit is in said replay mode).

Whitby does not disclose providing an indication of said delay.

Maeda discloses a display control part to display the delay time on a display part (pages 1 and 2) (i.e. said output element also providing an indication of said delay).

It would have been obvious to one of ordinary skill in the art to use Maeda's delay display on Whitby for the purpose of warning the user when data was going to be overwritten. Whitby discloses that if the memory has sufficient capacity to store 15

minutes and recording continues past that, the data would be overwritten (page 10 lines 24 – 25 and page 11 lines 1 – 4). It would be desirable to give the user some indication of how long the delay is to allow the user to prevent possible data loss.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitby (U.K. Patent Application 2 258 102 A) in view of Hamamoto (U.S. Patent 6,282,611) in further view of Oftedahl (U.S. Patent 6,449,768).

Regarding **Claim 6**, in addition to the elements stated above regarding claim 1, the combination further discloses:

Whitby discloses a mode in which the stored digitized program is withdrawn, converted to an analog signal and passed to the audio output (page 10 lines 13 – 20) (i.e. wherein when said device is receiving inputs from said RAM, the circuit is in replay mode).

Whitby does not disclose a multicolor LED, the LED displaying one color for replay mode, and a second different color for normal mode with incoming audio inputs applied to the device.

Oftedahl discloses various LEDs to indicate the mode of operation (fig 2 elements 88, 90, 92 and 94).

Oftedahl does not disclose the exact mode of operation of the LED as claimed by applicant, however it would have been obvious to one of ordinary skill at the invention to

use different or multicolored LEDs to indicate the mode of operation. One would have been motivated to do so to make the device more user friendly.

Regarding **Claim 7**, in addition to the elements stated above regarding claim 6, the combination further discloses:

Whitby discloses that if the memory has sufficient capacity to store 15 minutes and recording continues past that, the data would be overwritten (page 10 lines 24 – 25 and page 11 lines 1 – 4) (i.e. wherein said RAM is a wrap-around memory, the oldest audio input therein being written over when a new audio input is received and said RAM is full) and if a user wants to record a particularly program the user may set it to not be recorded over by the next program (page 13 lines 10 – 17) (i.e. and wherein said control inhibits writing over audio inputs in said RAM in response to a selected input component, the circuit being in storage mode when this occurs).

Whitby does not disclose said LED displays a third color when said circuit is in storage mode.

Oftedahl discloses various LEDs to indicate the mode of operation (fig 2 elements 88, 90, 92 and 94).

Oftedahl does not disclose the exact mode of operation of the LED as claimed by applicant, however it would have been obvious to one of ordinary skill at the invention to use different or multicolored LEDs to indicate the mode of operation. One would have been motivated to do so to make the device more user friendly.

10. **Claims 15 - 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitby (U.K. Patent Application 2 258 102 A) in view of Terui (U.S. Patent 5,903,871).

Regarding **Claim 15**, in addition to the elements stated above regarding claim 1, Whitby discloses user operable means to allow the user to output a program as desired (page 3 lines 4 – 13) (wherein said control is operative in response to a selected input to set said circuit into an elimination mode), Whitby does not disclose, said control being operative when in elimination mode to store in said RAM a selected duration of audio inputs ahead of inputs received by said RAM, and is responsive, when in elimination mode, to a selected input from said component for skipping an audio duration in said RAM which is less than said selected duration, whereby audio during said audio duration is not reproduced at said device. Terui discloses a fast forwarding button FF for fast forwarding the position of the voice recording or reproducing (col. 9 lines 47 – 49) (i.e. said control being operative when in elimination mode to store in said RAM a selected duration of audio inputs ahead of inputs received by said RAM, and is responsive, when in elimination mode, to a selected input from said component for skipping an audio duration in said RAM which is less than said selected duration, whereby audio during said audio duration is not reproduced at said device). One of ordinary skill in the art at the time of the invention would have been motivated to implement Terui's fast forward on Whitby's device in order to further adjust the playback. Whitby already discloses rewinding the playback and adding a fast forward would have been obvious to a skill person in the art.

Regarding **Claim 16**, in addition to the elements stated above regarding claim 15, Terui discloses a fast forwarding button FF for fast forwarding the position of the voice recording or reproducing (col. 9 lines 47 – 49) (i.e. wherein said audio duration is variable in response to variations in the selected input from said component).

Regarding **Claim 17**, in addition to the elements stated above regarding claim 15, Whitby further discloses and the audio signal passes to the memory in digital form (page 7 lines 18 – 23) (i.e. wherein said control is operative when in elimination mode to store said selected duration in said RAM before applying audio inputs from said RAM to said device).

Regarding **Claim 18**, in addition to the elements stated above regarding claim 15, Whitby further the received signal that is stored in memory in a digitized form is withdrawn from the memory after a period of delay, converted back to an analog signal and passed to the audio output, this gives reproduction of the transmitted program with a time shift (page 10 lines 14 – 19) (i.e. wherein said control is operative, when in elimination mode to apply audio inputs to said device from said RAM). Whitby does not disclose slowing down the audio playback. However examiner takes official notice that slowing down playback is a well known feature in the art (i.e. said RAM being read out to apply inputs to said device at a slower rate than audio inputs are received to be stored in said RAM at any time RAM is not storing at least said selected duration of

audio inputs) It would have been obvious to one of ordinary skill in the art at the time of the invention to include a slow playback feature. It is merely one of many playback altering features that are commonly included in playback devices.

Allowable Subject Matter

Claim 5 remains objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

acf

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